

AMENDED IN SENATE MAY 15, 2003

AMENDED IN SENATE MAY 5, 2003

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 6

Introduced by Senator Alpert
(Principal coauthor: Senator Florez)
(Coauthor: Assembly Member Liu)

December 2, 2002

An act to amend Sections 33000, 33030, ~~33111, 33112, 33140, 33301, 41320.1, 41325, 41326, 41327, 41328, 66010.4, 66010.6, 66010.7, 66901, 66902, 66941, 70901, 70901.5, 70902, 71000, 71090, 66010.6, 66010.7, 66901, 66902, 66941, 70901.5, 71000, 71090, 71092, and 87482.4~~ of, ~~to amend, repeal, and add Sections 33302 and 33303 of,~~ to add Sections 1242, 35161.5, 35502, 66900.3, and 66901.3 to, to add Chapter 6 (commencing with Section 500) to Part 1 of, and to repeal Sections 11005, 45357, 66903, 66903.2, 69563, 71090.5, 99181, and 99182 of the Education Code, relating to public education governance.

LEGISLATIVE COUNSEL'S DIGEST

SB 6, as amended, Alpert. Public education governance.

(1) Existing law provides for a county superintendent of schools in each county to, among other things, superintend the schools in his or her county, maintain responsibility for fiscal oversight of school districts, and enforce the course of study.

This bill would state the intent of the Legislature to require each county superintendent of schools to perform additional duties relating

to education services, professional development, parental grievances, fiscal oversight, technology access, and facility compliance.

(2) Existing law requires several different state entities to collect various data relating to pupil achievement in prekindergarten, kindergarten through grade 12, and postsecondary education.

This bill would establish the California Education Commission to serve as the statewide education data repository. Under the bill, the commission would have ultimate responsibility for compiling data and providing analysis relating to the public education system as a whole, from prekindergarten to postsecondary education. The bill would also require the commission to coordinate communication and planning efforts between those education sectors. The bill would prescribe the membership of the commission.

(3) Existing law establishes the State Board of Education, consisting of 10 members appointed by the Governor, with the advice and consent of the Senate.

This bill would require the membership to be drawn from and represent distinct geographical regions of the state and to reflect the ethnic and gender diversity of the state's population.

~~(4) Existing law provides for the Superintendent of Public Instruction to superintend the schools of this state, and to execute the policies decided upon by the State Board of Education.~~

~~This bill would eliminate those provisions, and instead would provide that the superintendent shall be responsible for all aspects of accountability in the public schools other than fiscal accountability, as provided.~~

~~(5) Existing law provides that the State Board of Education shall be the governing and policy determining body of the State Department of Education.~~

~~This bill would specify that the Director of Education is the governing and policy determining officer of the department and would set forth the duties and authority of the director. The bill would provide that certain provisions that set forth those duties would not become operative until January 20, 2007.~~

~~(6) Existing law provides for the Superintendent of Public Instruction to serve as the ex officio director of the State Department of Education.~~

~~This bill would provide that the above provision is repealed on January 20, 2007.~~



~~The bill would, in addition, require the Governor to appoint a cabinet-level officer, known as the Secretary for Education, to carry out all state-level education operations, management duties, and programmatic functions, and to serve as the ex officio Director of Education. The bill would make those provisions operative on January 20, 2007. The bill would make related changes.~~

~~(7) Existing law authorizes the governing board of a school district to initiate and carry on any program or activity, or to act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which school districts are established.~~

This bill would state the intent of the Legislature to require the governing board of a school district to develop and implement policy to effectively operate schools that are responsive to both local community needs and to state academic standards and policy priorities. Among other things, the bill would permit the governing board to establish a vision for the goals and performance objectives of the school district, adopt a fiscally responsible budget based on the goals and objectives, seek partnerships with other entities and organizations, and provide support to ensure the success of its schools.

~~(8) —~~

~~(5) Existing law authorizes a school district to be reorganized upon initiation by the electorate or upon recommendation by a county committee on school district organization.~~

This bill would state the intent of the Legislature to develop fiscal and governance incentives to encourage communities to organize their local schools into unified districts.

~~(9) Existing law provides that, when a school district becomes insolvent and accepts an emergency apportionment, the Superintendent of Public Instruction shall assume all the legal rights, duties, and powers of the governing board of the school district in order to ensure the school district's return to solvency.~~

~~This bill would instead require the Director for Education to assume those rights, duties, and powers. The bill would make related changes.~~

~~(10) —~~

~~(6) Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Among other things, the act establishes the California Postsecondary Education Commission as the~~



statewide postsecondary education planning and coordinating agency and advisor to the Legislature and the Governor. Existing law requires the commission to provide data to the Legislature and the Governor through the completion and submission of various reports and studies.

This bill would generally recast and revise the statutes relating to the California Postsecondary Education Commission. The bill would delete provisions requiring the commission to perform various specified studies. The bill would set forth the primary functions of the commission, including ~~providing the provision~~ of long-range planning for meeting the postsecondary education needs of Californians, providing policy and fiscal analyses regarding the most critical issues affecting the success of Californians attending postsecondary education institutions, coordinating relevant proposals of various public and private entities, advising the Legislature on appropriate accountability indicators for postsecondary education, evaluating and reporting to the Legislature and the Governor on the performance of public postsecondary institutions, reviewing and approving new campuses for public postsecondary education, and reviewing public postsecondary academic programs.

The bill would specify that the Chancellor of the California Community Colleges, the Chancellor of the California State University, the President of the University of California, and the President of the Association of Independent California Colleges and Universities are members of the advisory committee to the commission.

The bill would require the commission to submit an annual report to the chairs of the budget committees of both houses of the Legislature and to the Legislative Analyst regarding the record of the various segments of postsecondary education in responding to the commission's requests for information.

~~(11)~~

(7) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of local community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law specifies that the primary mission of the California Community Colleges is to offer academic and vocational instruction through, but not beyond, the second year of college.



~~This bill would recast and revise the provisions relating to the primary mission of the California Community Colleges. Among other things, the bill would authorize community colleges to provide instruction at the upper division level jointly with the California State University, the University of California, or an independent or private college or university that is accredited by the Western Association of Colleges and Universities.~~

~~The bill would expand the membership of the board of governors to include an appointee of the Speaker of the Assembly. The bill would include the Governor, the Lieutenant Governor, and the Superintendent of Public Instruction, as voting members, serving ex officio.~~

~~The bill would revise and streamline the provisions relating to the duties of local community college governing boards.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In order to guarantee that pupils receive the high-quality
4 education that is promised to them, accountability must be infused
5 throughout California's education system.

6 (1) A meaningful system of accountability includes clear
7 expectations and clear definitions of the roles and responsibilities
8 of all participants, evaluation of the outcomes of efforts, and
9 provision of the means to influence institutional and educational
10 improvement.

11 (2) Effective accountability requires the linkage of
12 responsibility and authority throughout the state's education
13 system.

14 (3) Accountability is fostered by clearly defining the
15 responsibilities of each participant in the system, ensuring that
16 sufficient authority is afforded to each participant to carry out
17 those responsibilities, and then ensuring that those responsibilities
18 are carried out.

19 (b) Accountability must be shared among all participants in the
20 education process, including pupils, parents, teachers and faculty,
21 administrators, schools, colleges, universities, governing boards,
22 other governmental entities, and the business and civic



1 communities, and the participants should be provided with a clear
2 understanding of what is expected of each participant.

3 (c) Accountability and educational improvement in California
4 must be guided by valid, comprehensive, understandable, and
5 regularly reported data that permits useful and informed decisions
6 and judgments to be made about pupil learning and the conditions
7 under which pupils learn. The data should also support systematic,
8 long-term planning by state and local entities.

9 (d) Local education agencies are uniquely situated to clearly
10 identify the distinct and diverse needs of their pupils and
11 communities, and to shape educational experiences to best meet
12 those needs. Local decision making enhances the access of local
13 residents to the policy functions of government, and that access
14 can enhance community involvement and support in the
15 educational process. Therefore, an appropriate degree of local
16 control should be afforded as roles and responsibilities are
17 delineated for participants in the education system.

18 (e) California has made significant, though insufficient,
19 progress towards instilling greater accountability in public
20 education. However, efforts to improve educational accountability
21 are currently complicated by overlapping responsibilities among
22 state, regional, and local entities. A further complication is the lack
23 of alignment between the responsibilities assigned to various
24 entities and the authority those entities have been provided to carry
25 out those responsibilities. These complications must be mitigated.

26 ~~(f) A primary responsibility of the state must be to clearly~~
27 ~~define a structure of governance for the public education system~~
28 ~~that meets the principles of accountability described in this~~
29 ~~section, that supports pupil learning, and that is sustainable.~~

30 SEC. 2.—

31 SEC. 2. *It is the intent of the Legislature, by January 1, 2007,*
32 *to revise and realign the functions of appropriate state officers and*
33 *agencies to clearly define a structure of governance for the public*
34 *education system that meets the principles of accountability*
35 *described in Section 1 of the act adding this section, supports pupil*
36 *learning, and is sustainable.*

37 SEC. 3. Chapter 6 (commencing with Section 500) is added
38 to Part 1 of the Education Code, to read:

39

CHAPTER 6. CALIFORNIA EDUCATION COMMISSION

500. There is in the state government the California Education Commission. The California Education Commission has primary responsibility for compiling data and providing analysis relating to the public education system as a whole, including preschool, kindergarten through grade 12, and postsecondary education. The California Education Commission shall also coordinate communication and planning efforts among these education sectors.

501. (a) The California Education Commission shall be composed of eight members of the public, to be appointed as follows:

(1) Four members shall be appointed by the Governor.

(2) Two members shall be appointed by the Senate Committee on Rules.

(3) Two members shall be appointed by the Speaker of the Assembly.

(b) The Superintendent of Public Instruction shall serve as the Chair of the California Education Commission.

502. (a) A member of the California Education Commission shall serve for a term of two years, and shall hold office until the appointment and qualification of his or her successor.

(b) In order to achieve staggered terms among members of the commission, two of the members appointed to the California Education Commission in 2003 pursuant to paragraph (1) of subdivision (a) of Section 501 shall serve one-year terms. One member initially appointed to the California Education Commission in 2003 pursuant to paragraphs (2) and (3) of subdivision (a) of Section 501 shall serve a one-year term.

503. The primary duties of the California Education Commission shall include all of the following:

(a) Providing long-range analysis and planning for meeting the educational needs of all Californians.

(b) Providing policy and fiscal advice to the Legislature, the Superintendent of Public Instruction, and the Director of Education based on data analysis that represents the public interest in the state's education system.

(c) Serving as the statewide education data repository.

1 (d) Evaluating the extent to which all public education
2 institutions are operating consistent with state policy priorities.

3 (e) Advising the Legislature and the Governor on the potential
4 impacts of major education policy proposals and initiatives.

5 (f) Coordinating statewide articulation of curriculum and
6 assessment between the prekindergarten, kindergarten through
7 grade 12, and postsecondary education sectors.

8 (g) Providing long-term planning for the development of joint
9 and other shared use of facilities and programs between
10 prekindergarten, kindergarten through grade 12, and
11 postsecondary education entities.

12 (h) Sponsoring and directing intersegmental programs that
13 benefit pupils making the transition from secondary schools to
14 colleges and universities.

15 (i) Coordinating outreach activities among prekindergarten,
16 kindergarten through grade 12, postsecondary education, and
17 work-sector entities.

18 504. The California Education Commission shall compile
19 data necessary to allow the Superintendent of Public Instruction to
20 assess the effectiveness of educational programs for elementary
21 pupils and to integrate the data with other efforts to assess the
22 Academic Performance Index.

23 505. It is the intent of the Legislature to identify and
24 implement effective mechanisms to compel all agencies with
25 responsibility for gathering and maintaining comprehensive data
26 on one or more aspects of the state's education system, preschool
27 through university, to submit data to the California Education
28 Commission.

29 ~~SEC. 3.~~

30 *SEC. 4.* Section 1242 is added to the Education Code, to read:

31 1242. It is the intent of the Legislature to require each county
32 office of education to do all of the following:

33 (a) Provide educational services directly to pupils that attend
34 small school districts, as defined by subdivision (c) of Section
35 44046, that are not able to provide a comprehensive array of
36 curricular offerings or learning support.

37 (b) Provide professional development to, or facilitate the
38 provision of professional development for, education personnel in
39 school districts requesting these services.



(c) Serve, when authorized by law, as the appellate body for parents or guardians who disagree with a decision of the governing board of a school district.

(d) Monitor fiscal decisions of the school districts in the county and, if necessary, intervene to prevent bankruptcy.

(e) Serve as the primary catalyst and facilitating officer to ensure that all public schools in the county have access to a technology infrastructure that enables electronic exchange of information and educational materials.

(f) Monitor the facility decisions of the school districts in the county to ensure that every school district maintains facilities that comply with state law.

~~SEC. 4.—~~

SEC. 5. Section 11005 of the Education Code is repealed.

~~SEC. 5.—~~

SEC. 6. Section 33000 of the Education Code is amended to read:

33000. (a) There is in the state government a State Board of Education, consisting of 10 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate.

(b) The membership of the State Board of Education shall be drawn from, and represent, distinct geographical regions of the state, and shall reflect the ethnic and gender diversity of the state's population.

~~SEC. 6.—~~

SEC. 7. Section 33030 of the Education Code is amended to read:

33030. The function of the board shall be limited to determining policy matters specified in law.

~~SEC. 7.—Section 33111 of the Education Code is amended to read:~~

~~33111.—The Superintendent of Public Instruction shall be responsible for all aspects of accountability in the public schools other than fiscal accountability. In ensuring accountability, the Superintendent of Public Instruction shall do all of the following:~~

~~(a) Provide for and manage a comprehensive accountability system of pupil and institutional measurement that includes governance and policy instruments that aim to ensure adequate and equitable education.~~

~~(b) Ensure compliance with special education and civil rights laws by all relevant participants in the education system.~~

~~(c) Monitor the impact of state policy on the success of local kindergarten through grade 12 programs in fostering pupil achievement.~~

~~(d) Monitor the implementation of state and federal programs to ensure that they meet the needs of all targeted pupils.~~

~~(e) Publicly identify schools that fail to meet pupil achievement targets.~~

~~(f) Define and implement a process for intervention in schools that fail to meet pupil achievement targets.~~

~~(g) Serve as an advisor to the Legislature and the Governor on academic accountability, and act as an advocate to promote the state's Master Plan for Education and system accountability.~~

~~(h) Act as the independent spokesperson for California's populace, and pupils in particular, on public discourse on educational issues.~~

~~SEC. 8. Section 33112 of the Education Code is amended to read:~~

~~33112. The Superintendent of Public Instruction shall deliver over, at the expiration of his or her term of office, on demand, to his or her successor, all property, books, documents, maps, records, reports, and other papers belonging to his or her office, or which may have been received by him or her for the use of his or her office.~~

~~SEC. 9. Section 33140 of the Education Code is amended to read:~~

~~33140. The duties of the Deputy Superintendent of Public Instruction and of the associate superintendents of public instruction appointed by the State Board of Education under Section 2.1 of Article IX of the Constitution of this state shall be those assigned to them by the Director of Education.~~

~~SEC. 10. Section 33301 of the Education Code is amended to read:~~

~~33301. (a) The State Department of Education shall be administered through the Director of Education, who is the governing and policy determining officer of the department, and in whom all executive and administrative functions of the department are vested.~~

~~(b) The Director of Education shall have authority over the operations of the prekindergarten through grade 12 public education system at large, and shall have ultimate responsibility for the delivery of education to pupils attending those schools.~~

~~(c) The duties of the Director of Education include all of the following:~~

~~(1) Apportioning resources to schools to support teaching and learning pursuant to statutory and budgetary direction.~~

~~(2) Managing a statewide financial accountability program, and overseeing local school district fiscal audit reviews.~~

~~(3) Establishing education standards and other learning expectations for pupils, and adopting a periodic review process to modify those standards and expectations when necessary.~~

~~(4) Establishing developmentally appropriate programs and operating standards for early childhood education and requiring continuity between the programs and standards for preschool and kindergarten.~~

~~(5) Administering school improvement programs.~~

~~(6) Promoting an understanding of effective uses of data to improve pupil learning.~~

~~(7) Making recommendations to the Legislature regarding the most appropriate state office or officer that should be responsible for the adoption of textbooks for kindergarten through grade 8.~~

~~SEC. 11. Section 33302 of the Education Code is amended to read:~~

~~33302. (a) The Department of Education shall be conducted under the control of an executive officer known as the Director of Education.~~

~~(b) This section shall remain in effect only until January 20, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 20, 2007, deletes or extends that date.~~

~~SEC. 12. Section 33302 is added to the Education Code, to read:~~

~~33302. (a) The Governor shall appoint a cabinet level officer, known as the Secretary for Education, who shall carry out all state-level education operations, management duties, and programmatic functions, and serve as the ex officio Director of Education.~~

~~(b) This section shall become operative on January 20, 2007.~~

1 ~~SEC. 13.—Section 33303 of the Education Code is amended to~~
2 ~~read:~~

3 ~~33303.—The Superintendent of Public Instruction is ex officio~~
4 ~~Director of Education.~~

5 ~~(b) This section shall remain in effect only until January 20,~~
6 ~~2007, and as of that date is repealed, unless a later enacted statute,~~
7 ~~that is enacted before January 20, 2007, deletes or extends that~~
8 ~~date.~~

9 ~~SEC. 14.—Section 33303 is added to the Education Code, to~~
10 ~~read:~~

11 ~~33303.—(a) The Secretary for Education shall do all of the~~
12 ~~following:~~

13 ~~(1) Prepare, have printed, and furnish to teachers and to all~~
14 ~~officers charged with the administration of the laws relating to the~~
15 ~~public schools, the blank forms and books necessary to the~~
16 ~~discharge of their duties, including blank teachers' certificates to~~
17 ~~be used by county and city and county boards of education.~~

18 ~~(2) Authenticate, with his or her official seal, all drafts or orders~~
19 ~~drawn by him or her, and all papers and writings issued from his~~
20 ~~or her office.~~

21 ~~(3) Have bound, at the state bindery, all valuable school reports,~~
22 ~~journals, and documents in his or her office, or received by him or~~
23 ~~her.~~

24 ~~(4) Deliver over, on demand, at the expiration of his or her term~~
25 ~~of office, to his or her successor, all property, books, documents,~~
26 ~~maps, records, reports, and other papers belonging to his or her~~
27 ~~office, or which may have been received by him or her for the use~~
28 ~~of his or her office.~~

29 ~~(5) Designate and appoint, or terminate the designation and~~
30 ~~appointment of, any officer or employee of the department to have~~
31 ~~the powers and liabilities of a deputy, including designation~~
32 ~~pursuant to Section 7.9 of the Government Code, which~~
33 ~~appointment and termination of appointment shall be effective~~
34 ~~when filed in writing in the office of the Secretary of State.~~

35 ~~(6) Annually inform the governing boards of school districts of~~
36 ~~the provisions of Section 60510.5.~~

37 ~~(b) This section shall become operative on January 20, 2007.~~

38 ~~SEC. 15.—~~

39 ~~SEC. 8. Section 35161.5 is added to the Education Code, to~~
40 ~~read:~~

35161.5. It is the intent of the Legislature to require each governing board of a school district to develop and implement policies to effectively operate schools that are responsive to both local community needs and to state academic standards and policy priorities. In developing and implementing these policies, the governing board may do all of the following:

(a) Establish a vision for the goals and performance objectives of the school district.

(b) Develop and adopt a policy to implement local, state, and federal goals, and to implement academic requirements for the prekindergarten through grade 12 system, as a whole, within the local context.

(c) Recruit highly qualified individuals for senior level positions.

(d) Ensure that the school district superintendent is meeting the goals and performance objectives of the district, and ensure that the school district superintendent holds district personnel accountable.

(e) Adopt a fiscally responsible budget based on the district's goals and objectives, and regularly monitor the fiscal health of the district.

(f) Allocate available resources within the district so as to balance basic needs, including appropriate staffing, security, and cleanliness, and allocate additional educational resources identified pursuant to the Quality Education Model to be developed pursuant to Part 38 (commencing with Section 64200).

(g) Establish a framework for the district's collective bargaining process, if any, in conformity with law and adopt responsible agreements that reflect the interests of the public.

(h) Adopt a curriculum for the district in accordance with state standards and monitor pupil progress.

(i) Provide support, as necessary, to ensure the success of schools within the district.

(j) Collaborate and seek partnerships with other local government entities, local employers, postsecondary education institutions, and community organizations.

(k) With particular regard to middle and secondary schools, promote locally tailored efforts to achieve and maintain high rates of pupil attendance.

~~SEC. 16.—~~

1 SEC. 9. Section 35502 is added to the Education Code, to
2 read:

3 35502. (a) It is the intent of the Legislature to develop fiscal
4 and governance incentives to encourage communities to organize
5 their local schools into unified districts.

6 (b) It is also the intent of the Legislature to eliminate all
7 disincentives relative to school district unification.

8 ~~SEC. 17. Section 41320.1 of the Education Code is amended~~
9 ~~to read:~~

10 ~~41320.1. Acceptance by the district of the apportionments~~
11 ~~made pursuant to Section 41320 shall constitute agreement by the~~
12 ~~district to all of the following conditions:~~

13 ~~(a) The Director of Education shall appoint a trustee who has~~
14 ~~recognized expertise in management and finance and may employ,~~
15 ~~on a short-term basis, any staff necessary to assist the trustee,~~
16 ~~including, but not limited to, certified public accountants, as~~
17 ~~follows:~~

18 ~~(1) The expenses incurred by the trustee and any necessary staff~~
19 ~~shall be borne by the district.~~

20 ~~(2) The Director of Education shall establish the terms and~~
21 ~~conditions of the employment, including the remuneration of the~~
22 ~~trustee. The trustee shall serve at the pleasure of, and report~~
23 ~~directly to, the Director of Education.~~

24 ~~(3) The trustee, and any necessary staff, shall serve until the~~
25 ~~loan called for by this section is repaid, the district has adequate~~
26 ~~fiscal systems and controls in place, and the Director of Education~~
27 ~~has determined that the district's future compliance with the fiscal~~
28 ~~plan approved for the district under Section 41320 is probable.~~

29 ~~(4) Before the district repays the loan, including interest, the~~
30 ~~recipient of the loan shall select an auditor from a list established~~
31 ~~by the Director of Education and the Controller to conduct an audit~~
32 ~~of its fiscal systems. If the fiscal systems are deemed to be~~
33 ~~inadequate, the Director of Education may retain the trustee until~~
34 ~~the deficiencies are corrected. The cost of this audit and any~~
35 ~~additional cost of the trustee shall be borne by the district.~~

36 ~~(5) Notwithstanding any other law, all reports submitted to the~~
37 ~~trustee shall be public records.~~

38 ~~(6) To facilitate the appointment of the trustee and the~~
39 ~~employment of any necessary staff, for the purposes of this~~
40 ~~section, the Director of Education is exempt from the requirements~~

1 of Article 6 (commencing with Section 999) of Chapter 6 of
2 Division 4 of the Military and Veterans Code and Part 2
3 (commencing with Section 10100) of the Public Contract Code.

4 (7) Notwithstanding any other law, the Director of Education
5 may appoint an employee of the State Department of Education to
6 act as trustee for up to the duration of the trusteeship. The salary
7 and benefits of that employee shall be established by the Director
8 of Education and paid by the school district. During the time of
9 appointment, the employee shall be deemed an employee of the
10 school district, but shall remain in the same retirement system
11 under the same plan as if the employee had remained in the
12 department. Upon the expiration or termination of the
13 appointment, the employee shall have the right to return to his or
14 her former position, or to a position at substantially the same level
15 as that position, with the department. The time served in the
16 appointment shall be counted for all purposes as if the employee
17 had served that time in his or her former position with the
18 department.

19 (b) The trustee appointed by the Director of Education shall
20 monitor and review the operation of the district. During the period
21 of his or her service, the trustee may stay or rescind any action of
22 the local district governing board that, in the judgment of the
23 trustee, may affect the financial condition of the district. The
24 Director of Education may establish timelines and prescribe
25 formats for reports and other materials to be used by the trustee to
26 monitor and review the operations of the district. The trustee shall
27 approve or reject all reports and other materials required from the
28 district as a condition of receiving the apportionment. The
29 Director of Education, upon the recommendation of the trustee,
30 may reduce any apportionment to the district in an amount up to
31 two hundred dollars (\$200) per day for each late or unacceptable
32 report or other material required under Part 24 (commencing with
33 Section 41000), and shall report to the Legislature any failure of
34 the district to comply with the requirements of this section. If the
35 Director of Education determines, at any time, that the fiscal plan
36 approved for the district under Section 41320 is unsatisfactory, he
37 or she may modify the plan as necessary, and the district shall
38 comply with the plan as modified.

39 (c) At the request of the Director of Education, the Controller
40 shall transfer to the State Department of Education, from any

1 apportionment to which the district would otherwise have been
2 entitled pursuant to Section 42238, the amount necessary to pay
3 the expenses incurred by the trustee and any associated costs
4 incurred by the county superintendent of schools.

5 (d) For the fiscal year in which the apportionments are
6 disbursed and each year thereafter, the Controller, or his or her
7 designee, shall cause an audit to be conducted of the books and
8 accounts of the district, in lieu of the audit required by Section
9 41020. At the Controller's discretion, the audit may be conducted
10 by the Controller, his or her designee, or an auditor selected by the
11 district and approved by the Controller. The costs of these audits
12 shall be borne by the district. These audits shall be required until
13 the Controller determines, in consultation with the Director of
14 Education, that the district is financially solvent, but in no event
15 earlier than one year following the implementation of the plan or
16 later than the time the apportionment made is repaid, including
17 interest. In addition, the Controller shall conduct quality control
18 reviews pursuant to subdivision (e) of Section 14504.2.

19 (e) For all purposes of errors and omissions liability insurance
20 policies, the trustee appointed pursuant to this section shall be
21 deemed to be an employee of the local education agency to which
22 he or she is assigned. For the purpose of workers' compensation
23 benefits, the trustee shall be deemed an employee of the local
24 education agency to which he or she is assigned, except that a
25 trustee appointed pursuant to paragraph (7) of subdivision (a) shall
26 be deemed an employee of the State Department of Education for
27 that purpose.

28 (f) Except for an individual appointed by the Director of
29 Education as trustee pursuant to paragraph (7) of subdivision (a),
30 the state-appointed trustee shall be a member of the State Teachers'
31 Retirement System, if qualified, for the period of service as trustee,
32 unless the trustee elects in writing not to become a member. A
33 person who is a member or retirant of the State Teachers'
34 Retirement System at the time of appointment shall continue to be
35 a member or retirant of the system for the duration of the
36 appointment. If the trustee chooses to become a member or is
37 already a member, the trustee shall be placed on the payroll of the
38 school district for the purposes of providing appropriate
39 contributions to the system. The Director of Education may also
40 require that any individual appointed as trustee pursuant to

1 paragraph (7) of subdivision (a) be placed on the payroll of the
2 school district for purposes of remuneration, other benefits, and
3 payroll deductions. For the purpose of workers' compensation
4 benefits, the state appointed trustee is deemed an employee of the
5 local education agency to which he or she is assigned, except that
6 a trustee who is appointed pursuant to paragraph (7) of subdivision
7 (a) is deemed an employee of the State Department of Education
8 for that purpose.

9 SEC. 18. ~~Section 41325 of the Education Code is amended to~~
10 ~~read:~~

11 ~~41325. (a) The Legislature finds and declares that when a~~
12 ~~school district becomes insolvent and requires an emergency~~
13 ~~apportionment from the state in the amount designated in this~~
14 ~~article, it is necessary that the Director of Education assume~~
15 ~~control of the district in order to ensure the district's return to fiscal~~
16 ~~solvency.~~

17 ~~(b) It is the intent of the Legislature that the Director of~~
18 ~~Education, operating through an appointed administrator, do all of~~
19 ~~the following:~~

20 ~~(1) Implement substantial changes in the district's fiscal~~
21 ~~policies and practices, including, if necessary, the filing of a~~
22 ~~petition under Chapter 9 of the federal Bankruptcy Act (11 U.S.C.~~
23 ~~Sec. 901 et seq.) for the adjustment of indebtedness.~~

24 ~~(2) Revise the district's educational program to reflect realistic~~
25 ~~income projections, in response to the dramatic effect of the~~
26 ~~changes in fiscal policies and practices upon educational program~~
27 ~~quality and the potential for the success of all pupils.~~

28 ~~(3) Encourage all members of the school community to accept~~
29 ~~a fair share of the burden of the district's fiscal recovery.~~

30 ~~(4) Consult, for the purposes described in this subdivision, with~~
31 ~~the school district governing board, the exclusive representatives~~
32 ~~of the employees of the district, parents, and the community.~~

33 ~~(5) Consult with and seek recommendations from the county~~
34 ~~superintendent of schools for the purposes described in this~~
35 ~~subdivision.~~

36 SEC. 19. ~~Section 41326 of the Education Code is amended to~~
37 ~~read:~~

38 ~~41326. (a) Notwithstanding any other provision of this code,~~
39 ~~the acceptance by a school district of an apportionment made~~
40 ~~pursuant to Section 41320 that exceeds an amount equal to 200~~

1 percent of the amount of the reserve recommended for that district
2 under the standards and criteria adopted pursuant to Section 33127
3 shall constitute agreement by the district to the conditions set forth
4 in this article. Prior to applying for an emergency apportionment
5 in the amount identified in this subdivision, a school district
6 governing board shall discuss the need for that apportionment at
7 a regular or special meeting of the governing board and, at that
8 meeting, shall receive testimony regarding the apportionment
9 from parents, exclusive representatives of employees of the
10 district, and other members of the community. For purposes of this
11 article, “qualifying school district” means a school district that
12 accepts a loan as described in this subdivision.

13 (b) ~~The Director of Education shall assume all the legal rights,~~
14 ~~duties, and powers of the governing board of a qualifying school~~
15 ~~district. The Director of Education, in consultation with the county~~
16 ~~superintendent of schools, may appoint an administrator to act on~~
17 ~~his or her behalf in exercising the authority described in this~~
18 ~~subdivision and may, on a short-term basis employ any staff~~
19 ~~necessary to assist the administrator, including, but not limited to,~~
20 ~~a certified public accountant, as follows:~~

21 (1) ~~The state-appointed administrator shall serve under the~~
22 ~~direction and supervision of the Director of Education until~~
23 ~~terminated by the Director of Education at his or her discretion.~~
24 ~~The Director of Education shall consult with the county~~
25 ~~superintendent of schools before terminating the administrator.~~

26 (2) ~~The state-appointed administrator shall have recognized~~
27 ~~expertise in management and finance.~~

28 (3) ~~To facilitate the appointment of the administrator and the~~
29 ~~employment of any necessary staff, for the purposes of this~~
30 ~~section, the Director of Education is exempt from the requirements~~
31 ~~of Article 6 (commencing with Section 999) of Chapter 6 of~~
32 ~~Division 4 of the Military and Veterans Code and Part 2~~
33 ~~(commencing with Section 10100) of the Public Contract Code.~~

34 (4) ~~Notwithstanding any other law, the Director of Education~~
35 ~~may appoint an employee of the State Department of Education to~~
36 ~~act as administrator for up to the duration of the administratorship.~~
37 ~~The salary and benefits of that employee shall be established by the~~
38 ~~Director of Education and paid by the school district. During the~~
39 ~~time of appointment, the employee shall be deemed an employee~~
40 ~~of the school district, but shall remain in the same retirement~~

1 system under the same plan as if the employee had remained in the
2 department. Upon the expiration or termination of the
3 appointment, the employee shall have the right to return to his or
4 her former position, or to a position at substantially the same level
5 as that position, with the department. The time served in the
6 appointment shall be counted for all purposes as if the employee
7 had served that time in his or her former position with the
8 department.

9 (c) For the period of time during which the Director of
10 Education exercises the authority described in subdivision (b), the
11 governing board of the qualifying school district shall serve as an
12 advisory body reporting to the state-appointed administrator, in
13 which capacity no member of the governing board shall be paid or
14 entitled to any stipend, benefits, or other compensation.

15 (d) Notwithstanding Section 35031 or any other law, the
16 employment of any district superintendent of schools, or deputy,
17 associate, or assistant superintendent of schools, or other person
18 employed in an equivalent capacity, whose duties include
19 overseeing, managing, or otherwise directing the fiscal and
20 budgetary operations of the school district, and who is employed
21 by a school district under a contract of employment signed or
22 renewed after the effective date of this article may be terminated
23 by the state-appointed administrator, in accordance with
24 appropriate notice and hearing procedures, if the employee fails to
25 document, to the satisfaction of the state-appointed administrator,
26 that prior to the date of that acceptance he or she either advised the
27 governing board of the district, or his or her superior, that actions
28 contemplated or taken by the governing board could result in the
29 fiscal insolvency of the district, or took other appropriate action to
30 avert that fiscal insolvency.

31 (e) The authority of the Director of Education, and the
32 state-appointed administrator, under this section shall continue
33 until all of the following occur:

34 (1) Two complete fiscal years have elapsed following the
35 district's acceptance of a loan as described in subdivision (a), or,
36 at any time after one complete fiscal year has elapsed following
37 that acceptance, the state-appointed administrator determines, and
38 so notifies the Director of Education, that future compliance by the
39 school district with the recovery plans approved pursuant to
40 paragraph (2) is probable.

1 ~~(2) The Director of Education has approved all of the recovery~~
2 ~~plans referred to in subdivision (a) of Section 41327.~~

3 ~~(3) The state-appointed administrator certifies that all~~
4 ~~necessary collective bargaining agreements have been negotiated~~
5 ~~and ratified, and that the agreements are consistent with the terms~~
6 ~~of the recovery plans.~~

7 ~~(4) The district has completed all reports required by the~~
8 ~~Director of Education.~~

9 ~~(5) The Director of Education determines that future~~
10 ~~compliance by the school district with the recovery plans approved~~
11 ~~pursuant to paragraph (2) is probable.~~

12 ~~(f) When the conditions stated in subdivision (e) have been~~
13 ~~met, the school district governing board shall regain all of its legal~~
14 ~~rights, duties, and powers, except for the powers held by the trustee~~
15 ~~provided for pursuant to Article 2 (commencing with Section~~
16 ~~41320). The Director of Education shall then appoint a trustee~~
17 ~~under Section 41320.1 to monitor and review the operations of the~~
18 ~~district until the conditions of subdivision (b) of that section have~~
19 ~~been met.~~

20 ~~(g) Notwithstanding subdivision (f), if the district violates any~~
21 ~~provision of the recovery plans approved by the Director of~~
22 ~~Education pursuant to this article, the Director of Education may~~
23 ~~reassume, either directly or through an administrator appointed in~~
24 ~~accordance with this section, all of the legal rights, duties, and~~
25 ~~powers of the governing board of the district. The Director of~~
26 ~~Education shall return to the school district governing board all of~~
27 ~~its legal rights, duties, and powers reassumed under this~~
28 ~~subdivision when he or she determines that future compliance with~~
29 ~~the approved recovery plans is probable, or after a period of one~~
30 ~~year, whichever occurs later.~~

31 ~~(h) Article 2 (commencing with Section 41320) shall apply~~
32 ~~except as otherwise specified in this article.~~

33 ~~(i) It is the intent of the Legislature that the legislative budget~~
34 ~~subcommittees annually conduct a review of each qualifying~~
35 ~~school district that includes an evaluation of the financial~~
36 ~~condition of the district, the impact of the recovery plans upon the~~
37 ~~district's educational program, and the efforts made by the~~
38 ~~state-appointed administrator to obtain input from the community~~
39 ~~and the governing board of the district.~~

1 SEC. 20.—Section 41327 of the Education Code is amended to
2 read:

3 ~~41327. (a) In accordance with timelines, instructions, and a~~
4 ~~format established by the Director of Education, the~~
5 ~~state-appointed administrator shall prepare or obtain the following~~
6 ~~reports and plans:~~

7 ~~(1) A management review and recovery plan.~~

8 ~~(2) A multiyear financial recovery plan. The multiyear~~
9 ~~financial recovery plan shall include a plan, to be submitted~~
10 ~~annually on or before July 1, to repay to the state any and all loans~~
11 ~~owed by the district. Pursuant to the multiyear financial recovery~~
12 ~~plan, the repayment by the district of any state loans shall comply~~
13 ~~with all of the following, notwithstanding any provision of Article~~
14 ~~2 (commencing with Section 41320):~~

15 ~~(A) The loan or loans shall be repaid over a period of no more~~
16 ~~than 10 years following the initial disbursement of moneys under~~
17 ~~a loan as described in subdivision (a) of Section 41326. The~~
18 ~~repayment of the loan or loans shall commence not later than the~~
19 ~~fiscal year following the year in which the loan described in that~~
20 ~~subdivision is made.~~

21 ~~(B) Interest shall accrue on the loan or loans as of the date the~~
22 ~~funds are received, at the average annual investment rate of the~~
23 ~~pooled investment account.~~

24 ~~(3) During the period of service by the state-appointed~~
25 ~~administrator, an annual report on the financial condition of the~~
26 ~~district, including, but not necessarily limited to, all of the~~
27 ~~following information:~~

28 ~~(A) Specific actions taken to reduce district expenditures or~~
29 ~~increase income to the district, and the amount of the resulting cost~~
30 ~~savings and increases in income.~~

31 ~~(B) A copy of the adopted district budget for the current fiscal~~
32 ~~year.~~

33 ~~(C) The amount of the district budgetary reserve.~~

34 ~~(D) The status of employee contracts.~~

35 ~~(E) Any obstacles to the implementation of the recovery plans~~
36 ~~described in paragraphs (1) and (2).~~

37 ~~(b) Each of the reports or plans required under this section, or~~
38 ~~under any other provision of law that requires the district to~~
39 ~~prepare reports or plans, shall be submitted to the Director of~~
40 ~~Education for approval, after his or her consideration of comments~~

1 and recommendations of the county superintendent of schools.
2 The Director of Education may accept and approve, for the
3 purposes of this section, any reports or plans that were prepared by
4 or for the district prior to the district's acceptance of a loan as
5 described in subdivision (a) of Section 41326.

6 (c) With the approval of the Director of Education, the
7 state-appointed administrator may enter into agreements on behalf
8 of the district and, subject to any contractual obligation of the
9 district, change any existing district rules, regulations, policies, or
10 practices as necessary for the effective implementation of the
11 recovery plans referred to in subdivision (a).

12 SEC. 21. Section 41328 of the Education Code is amended to
13 read:

14 41328. (a) The school district shall bear 60 percent, and the
15 county office of education of the county in which the district is
16 located shall bear 40 percent, not to exceed three times the amount
17 of funding made available to implement Article 2 (commencing
18 with Section 42120) of Chapter 6, of all costs associated with
19 implementing the provisions of this article, including, as to a loan
20 as described in subdivision (a) of Section 41326, the provisions of
21 Article 2 (commencing with Section 41320). The Director of
22 Education shall withhold from the apportionments to be made
23 from the State School Fund to the district and to the county office
24 of education, respectively, the amounts due pursuant to this
25 subdivision. The costs referred to in this subdivision do not include
26 the principal and interest on the emergency apportionment, which
27 shall be paid by the district in accordance with this article.

28 (b) Notwithstanding subdivision (a), the district receiving the
29 loan shall pay all costs associated with the implementation of this
30 article, if either of the following occurs:

31 (1) The county office of education, in which the district is
32 located, seeks and is granted a waiver from the State Board of
33 Education based on financial hardship. The waiver may be granted
34 if the state board finds that the payment of the costs required by
35 subdivision (a) will compel the county office of education to seek
36 a loan from the Legislature in order to meet its financial
37 obligations. As part of the waiver request, the county
38 superintendent of schools and the county board of education shall
39 both certify that the financial hardship exists. The waiver is only
40 applicable in the fiscal year in which it is granted.

1 ~~(2) The county office of education, in which the district is~~
2 ~~located, seeks and is granted a waiver from the state board based~~
3 ~~on its implementation and compliance with Sections 42127,~~
4 ~~42127.1, 42127.2, 42127.3, 42127.6, and 42131. This waiver shall~~
5 ~~be applicable until the loan is paid off by the district.~~

6 ~~(c) In order to determine whether to grant either of the waivers~~
7 ~~allowed in subdivision (b), the state board shall receive input and~~
8 ~~recommendations exclusively from the district, the county office~~
9 ~~involved, and the county office fiscal crisis and management~~
10 ~~assistance team established by Section 42127.8. This input shall~~
11 ~~include, but not be limited to, the reasons the waiver should or~~
12 ~~should not be granted.~~

13 ~~(d) The state-appointed administrator shall be deemed an~~
14 ~~employee of the qualifying school district for all purposes of errors~~
15 ~~and omissions liability insurance policies.~~

16 ~~(e) Except for an individual appointed as administrator by the~~
17 ~~Director of Education pursuant to paragraph (4) of subdivision (b)~~
18 ~~of Section 41326, an administrator appointed pursuant to that~~
19 ~~section shall be a member of the State Teachers' Retirement~~
20 ~~System, if qualified, for the period of service as administrator,~~
21 ~~unless the administrator elects in writing not to become a member.~~
22 ~~A person who is a member or retirant of the State Teachers'~~
23 ~~Retirement System at the time of appointment shall continue to be~~
24 ~~a member or retirant of the system for the duration of the~~
25 ~~appointment. If the administrator chooses to become a member or~~
26 ~~is already a member, the administrator shall be placed on the~~
27 ~~payroll of the school district for the purposes of providing~~
28 ~~appropriate contributions to the system. The Director of Education~~
29 ~~may also require that any individual appointed as administrator~~
30 ~~pursuant to Section 41326 be placed on the payroll of the school~~
31 ~~district for purposes of remuneration, other benefits, and payroll~~
32 ~~deductions. For the purpose of workers' compensation benefits,~~
33 ~~the state-appointed administrator shall be deemed an employee of~~
34 ~~the local education agency to which he or she is assigned, except~~
35 ~~that an administrator appointed pursuant to paragraph (4) of~~
36 ~~subdivision (b) of Section 41326 shall be deemed an employee of~~
37 ~~the State Department of Education for that purpose.~~

38 ~~(f) This section shall become operative on July 1, 1993.~~

39 ~~SEC. 22.—Section 45357 of the Education Code is repealed.~~

1 ~~SEC. 23.—Section 66010.4 of the Education Code is amended~~
2 ~~to read:~~

3 ~~66010.4.—The missions and functions of California’s public~~
4 ~~and independent segments, and their respective institutions of~~
5 ~~higher education shall be differentiated as follows:~~

6 ~~(a) (1) The California Community Colleges shall, as a primary~~
7 ~~mission, offer instruction in the general or liberal arts or sciences~~
8 ~~through, but not beyond the second year of college, except that~~
9 ~~these institutions may provide instruction at the upper division~~
10 ~~level jointly with the California State University, the University of~~
11 ~~California, or an independent or private college or university that~~
12 ~~is accredited by the Western Association of Colleges and~~
13 ~~Universities. Community colleges shall provide education,~~
14 ~~training, and services that advance California’s economic growth,~~
15 ~~and vocational and technical instruction leading to employment,~~
16 ~~as well as community services. Community college instruction~~
17 ~~shall lead to the granting of the associate in arts or the associate in~~
18 ~~science degree, or to transfer to other institutions.~~

19 ~~(2) In addition to the primary mission of academic and~~
20 ~~vocational instruction, the community colleges shall offer~~
21 ~~instruction and courses to achieve all of the following:~~

22 ~~(A) The provision of remedial instruction for those in need of~~
23 ~~it and, in conjunction with the school districts, instruction in~~
24 ~~English as a second language, adult noncredit instruction, and~~
25 ~~support services which help students succeed at the postsecondary~~
26 ~~level are reaffirmed and supported as essential and important~~
27 ~~functions of the community colleges.~~

28 ~~(B) The provision of adult noncredit education curricula in~~
29 ~~areas defined as being in the state’s interest is an essential and~~
30 ~~important function of the community colleges.~~

31 ~~(C) The provision of community services courses and~~
32 ~~programs is an authorized function of the community colleges so~~
33 ~~long as their provision is compatible with an institution’s ability~~
34 ~~to meet its obligations in its primary missions.~~

35 ~~(3) A primary mission of the California Community Colleges~~
36 ~~is to advance California’s economic growth and global~~
37 ~~competitiveness through education, training, and services that~~
38 ~~contribute to continuous workforce improvement.~~

39 ~~(4) The community colleges may conduct, to the extent that~~
40 ~~state funding is provided, institutional research concerning student~~

1 learning and retention as is needed to facilitate their educational
2 missions.

3 ~~(b) The California State University shall offer undergraduate~~
4 ~~and graduate instruction through the master's degree in the liberal~~
5 ~~arts and sciences and professional education, including teacher~~
6 ~~education. Presently established two-year programs in agriculture~~
7 ~~are authorized, but other two-year programs shall be permitted~~
8 ~~only when mutually agreed upon by the Trustees of the California~~
9 ~~State University and the Board of Governors of the California~~
10 ~~Community Colleges. The doctoral degree may be awarded jointly~~
11 ~~with the University of California, as provided in subdivision (c)~~
12 ~~and pursuant to Section 66904. The doctoral degree may also be~~
13 ~~awarded jointly with one or more independent institutions of~~
14 ~~higher education, provided that the proposed doctoral program is~~
15 ~~approved by the California Postsecondary Education~~
16 ~~Commission. Research, scholarship, and creative activity in~~
17 ~~support of its undergraduate and graduate instructional mission is~~
18 ~~authorized in the California State University and shall be~~
19 ~~supported by the state. The primary mission of the California State~~
20 ~~University is undergraduate and graduate instruction through the~~
21 ~~master's degree.~~

22 ~~(c) The University of California may provide undergraduate~~
23 ~~and graduate instruction in the liberal arts and sciences and in the~~
24 ~~professions, including the teaching professions. It shall have~~
25 ~~exclusive jurisdiction in public higher education over instruction~~
26 ~~in the profession of law and over graduate instruction in the~~
27 ~~professions of medicine, dentistry, and veterinary medicine. It has~~
28 ~~the sole authority in public higher education to award the doctoral~~
29 ~~degree in all fields of learning, except that it may agree with the~~
30 ~~California State University to award joint doctoral degrees in~~
31 ~~selected fields. The University of California shall be the primary~~
32 ~~state-supported academic agency for research.~~

33 ~~(d) The independent institutions of higher education shall~~
34 ~~provide undergraduate and graduate instruction and research in~~
35 ~~accordance with their respective missions.~~

36 SEC. 24.—

37 SEC. 10. Section 45357 of the Education Code is repealed.

38 SEC. 11. Section 66010.6 of the Education Code is amended
39 to read:

1 66010.6. The missions of agencies charged with
2 coordination, administration, or implementation of higher
3 education policies and programs in California shall be as follows:

4 (a) (1) The California Postsecondary Education Commission
5 is the statewide postsecondary education coordinating and
6 planning agency. The commission shall serve as a principal fiscal
7 and program advisor to the Governor and the Legislature on
8 postsecondary educational policy.

9 (2) The California Postsecondary Education Commission shall
10 consult with the postsecondary educational segments and with
11 relevant state agencies, including the Student Aid Commission,
12 the Superintendent of Public Instruction, and other relevant
13 parties, in its preparation of analyses and recommendations to the
14 Governor and the Legislature. However, the commission shall
15 remain an independent and nonpartisan body responsible for
16 providing an integrated and segmentally unbiased view for
17 purposes of state policy formulation and evaluation.

18 (b) (1) The Student Aid Commission is the primary state
19 agency for the administration of state-authorized student financial
20 aid programs available to students attending all segments of
21 postsecondary education. These programs include grant, work
22 study, and loan programs supported by the state and the federal
23 government.

24 (2) Consistent with this responsibility, the Student Aid
25 Commission shall provide, in consultation with the postsecondary
26 education segments and relevant state agencies, policy leadership
27 on student financial aid issues, evaluate the effectiveness of its
28 programs, conduct research and long-range planning as a
29 foundation for program improvement, report on total state
30 financial aid needs, and disseminate information to students and
31 their families.

32 ~~SEC. 25.—~~

33 *SEC. 12.* Section 66010.7 of the Education Code is amended
34 to read:

35 66010.7. (a) The Legislature, through the enactment of this
36 section, expresses its commitment to encourage and support
37 collaboration and coordination among all segments of education.

38 (b) Within the differentiation of segmental functions outlined
39 in this article, the institutions of higher education shall undertake

1 intersegmental collaboration and coordination particularly when
2 it can do any of the following:

3 (1) Enhance the achievement of the institutional missions
4 shared by the segments.

5 (2) Provide more effective planning of postsecondary
6 education on a statewide basis.

7 (3) Facilitate achievement of the goals of educational equity.

8 (4) Enable public and independent higher education to meet
9 more effectively the educational needs of a geographic region.

10 (5) Facilitate student progress from one segment to another,
11 particularly with regard to preparation of students for higher
12 education as well as the transfer from the California Community
13 Colleges to four-year institutions.

14 (c) The leaders responsible for public and independent
15 institutions of higher education and the Superintendent of Public
16 Instruction shall work together to promote and facilitate the
17 development of intersegmental programs and other cooperative
18 efforts aimed at improving the progress of students through the
19 educational systems and at strengthening the teaching profession
20 at all levels.

21 ~~SEC. 26.—~~

22 *SEC. 13.* Section 66900.3 is added to the Education Code, to
23 read:

24 66900.3. The primary functions of the commission include all
25 of the following:

26 (a) Providing long-range planning for meeting the
27 postsecondary education needs of Californians, including the
28 adequate provision of facilities, programs, and campuses, and
29 assessing and advising state policymakers regarding priorities
30 dictated by current and evolving public needs.

31 (b) Providing policy and fiscal analyses regarding the most
32 critical issues affecting the success of Californians in attending and
33 graduating from postsecondary education institutions.

34 (c) Coordinating the analyses, policy recommendations, and
35 long-range planning proposals of various public and private
36 entities, as needed, to secure the long-term fiscal stability and
37 public financing of public postsecondary education, including the
38 development of student fee and financial aid policies and the
39 efficient use of state resources across segmental boundaries.

1 (d) Advising the Legislature on appropriate accountability
2 indicators for postsecondary education, to be adopted in statute,
3 and subsequently reporting annually to the Legislature and the
4 Governor on the performance of public postsecondary institutions
5 in meeting the adopted indicators.

6 (e) Evaluating and reporting to the Legislature and the
7 Governor on the extent to which public postsecondary education
8 institutions are operating consistently with state policy priorities
9 and discharging the responsibilities assigned to them in statute.

10 (f) Reviewing and approving new campuses for public
11 postsecondary education.

12 (g) Reviewing academic programs for public postsecondary
13 education institutions.

14 ~~SEC. 27.—~~

15 (h) *Serve as the statewide repository for postsecondary*
16 *education data, and act as a clearinghouse for postsecondary*
17 *education information.*

18 SEC. 14. Section 66901 of the Education Code is amended to
19 read:

20 66901. There is hereby created the California Postsecondary
21 Education Commission, which shall be advisory to the Governor,
22 the Legislature, other appropriate governmental officials, and
23 institutions of postsecondary education. The commission shall be
24 composed of the following members:

25 (a) One representative of the Regents of the University of
26 California designated by the regents, one representative of the
27 Trustees of the California State University designated by the
28 trustees, and one representative of the Board of Governors of the
29 California Community Colleges designated by the board.
30 Representatives of the regents, the trustees, and the board of
31 governors shall be chosen from among the appointed members of
32 their respective boards, but in no instance shall an ex officio
33 member of a governing board serve on the commission.

34 (b) One representative of the independent California colleges
35 and universities that are formed and operated as nonprofit
36 corporations in this state and are accredited by a regional
37 association that is recognized by the United States Department of
38 Education. This member shall be appointed by the Governor from
39 a list or lists submitted by an association or associations of those
40 institutions.

1 (c) The President of the State Board of Education or his or her
2 designee from among the other members of the board.

3 (d) Nine representatives of the general public appointed as
4 follows: three by the Governor, three by the Senate Rules
5 Committee, and three by the Speaker of the Assembly. It is the
6 intent of the Legislature that the commission be broadly and
7 equitably representative of the general public in the appointment
8 of its public members and that the appointing authorities,
9 therefore, shall confer to assure that their combined appointments
10 include adequate representation on the basis of sex and on the basis
11 of the significant racial, ethnic, and economic groups in the state.

12 (e) Two student representatives, each of whom shall be
13 enrolled at a California postsecondary education institution at the
14 time of appointment and during the term of service, except that a
15 student member who graduates from an institution with no more
16 than six months of his or her term remaining shall be permitted to
17 serve for the remainder of the term. The Governor shall appoint the
18 student members from persons nominated by the appropriate
19 student organizations of each of the postsecondary education
20 segments. For each student member of the commission, the
21 appropriate student organization may submit a list of nominees.
22 The list shall specify not less than three and not more than five
23 nominees. The appropriate student organization for each segment
24 shall be a composite group of at least five representative student
25 government associations, as determined by the commission.

26 (f) The student member appointed to the commission shall not
27 be enrolled in the same segment as the outgoing student member
28 or in the same segment of the other sitting student member.

29 (g) No person who is employed by any institution of public or
30 private postsecondary education shall be appointed to or serve on
31 the commission, except that a person who is not a permanent,
32 full-time employee and who has part-time teaching duties that do
33 not exceed six hours per week may be appointed to and serve on
34 the commission.

35 (h) (1) The commission members designated in subdivisions
36 (a) and (d) shall serve at the pleasure of their respective appointing
37 authorities. The member designated in subdivision (b) shall serve
38 a three-year term. The members designated in subdivision (d) shall
39 each serve a six-year term. The members designated in subdivision
40 (e) shall each serve a two-year term. The respective appointing

1 authority may appoint an alternate for each member who may,
2 during the member's absence, serve on the commission and vote
3 on matters before the commission. When vacancies occur prior to
4 expiration of terms, the respective appointing authority may
5 appoint a member for the remainder of the term.

6 (2) Any person appointed pursuant to this section may be
7 reappointed to serve additional terms.

8 (3) All terms subsequent to the initial appointments, which
9 became effective on January 10, 1974, shall begin on January 1 of
10 the year in which the respective terms are to start.

11 (4) Any person appointed pursuant to this section who no
12 longer has the position that made him or her eligible for
13 appointment may nonetheless complete his or her term of office on
14 the commission.

15 (i) No person appointed pursuant to this section shall, with
16 respect to any matter before the commission, vote for or on behalf
17 of, or in any way exercise the vote of, any other member of the
18 commission.

19 (j) (1) The commission shall meet as often as it deems
20 necessary to carry out its duties and responsibilities.

21 (2) Any member of the commission who in any calendar year
22 misses more than one-third of the meetings of the full commission
23 forfeits his or her office, thereby creating a vacancy.

24 (k) (1) The commission shall select a chair from among the
25 members representing the general public. The chair shall hold
26 office for a term of one year and may be selected to successive
27 terms.

28 (2) In addition to the advisory committee established by
29 Section 66901.3, the commission may appoint any subcommittees
30 or advisory committees it deems necessary to advise the
31 commission on matters of educational policy. The advisory
32 committees may consist of commission members or nonmembers,
33 or both, including students, faculty members, segmental
34 representatives, governmental representatives, and
35 representatives of the public.

36 (3) The commission shall appoint and may remove a director
37 in the manner hereafter specified. The director shall appoint
38 persons to any staff positions the commission may authorize.



(l) The commission shall prescribe rules for the transaction of its own affairs. These rules shall be subject to all the following requirements and limitations:

(1) The votes of all representatives shall be recorded.

(2) Effective action shall require the affirmative vote of a majority of all the duly appointed members of the commission, not including vacant commission seats.

(3) The affirmative votes of two-thirds of all the duly appointed members of the commission, not including vacant commission seats, shall be necessary to the appointment of the director.

~~SEC. 28.—~~

SEC. 15. Section 66901.3 is added to the Education Code, to read:

66901.3. (a) An advisory committee to the commission and the director is established. All of the following are members of the advisory committee:

(1) The Chancellor of the California Community Colleges.

(2) The Chancellor of the California State University.

(3) The President of the University of California.

(4) The President of the Association of Independent California Colleges and Universities.

(5) The Superintendent of Public Instruction.

(b) Any member of the advisory committee may designate an executive-level staff person to participate in meetings and other activities of the advisory committee as his or her representative.

(c) Commission agenda items and associated documents shall be provided to the advisory committee in a timely manner for its consideration and comments.

~~SEC. 29.—~~

SEC. 16. Section 66902 of the Education Code is amended to read:

66902. (a) The commission is authorized to require the governing bodies and institutions of each segment of public postsecondary education to submit data on any matters deemed pertinent by the commission.

(b) Each fiscal year, immediately prior to the deliberations of the Legislature relating to the budget for the segments of public postsecondary education, the commission shall submit a report to the respective chairs of the budget committees of the houses of the Legislature and to the Legislative Analyst regarding the record of

1 the various segments in responding to the commission's requests
2 for information.

3 (c) The commission shall furnish timely information in
4 response to requests of the Governor or the Legislature.

5 ~~SEC. 30.—~~

6 ~~SEC. 17.~~ Section 66903 of the Education Code is repealed.

7 ~~SEC. 31.—~~

8 ~~SEC. 18.~~ Section 66903.2 of the Education Code is repealed.

9 ~~SEC. 32.—~~

10 ~~SEC. 19.~~ Section 66941 of the Education Code is amended to
11 read:

12 66941. The Legislature finds and declares that access to a high
13 quality education is the primary goal for the use of educational
14 technology in higher education. All students in California's public
15 schools and colleges and all adults in the state shall have access to
16 educational opportunities for which they are qualified, regardless
17 of their income level, geographic location, or the size of the school
18 they attend.

19 ~~SEC. 33.—~~

20 ~~SEC. 20.~~ Section 69563 of the Education Code is repealed.

21 ~~SEC. 34.—~~ ~~Section 70901 of the Education Code is amended to~~
22 ~~read:~~

23 ~~70901. (a) The Board of Governors of the California~~
24 ~~Community Colleges shall provide leadership and direction in the~~
25 ~~continuing development of the California Community Colleges as~~
26 ~~an integral and effective element in the structure of public higher~~
27 ~~education in the state. The work of the board of governors shall,~~
28 ~~at all times, be directed to maintaining and continuing, to the~~
29 ~~maximum degree permissible, local authority and control in the~~
30 ~~administration of the California Community Colleges, except in~~
31 ~~those areas explicitly assigned to the board of governors under~~
32 ~~paragraphs (3) to (8), inclusive, of subdivision (b).~~

33 ~~(b) Subject to, and in furtherance of, subdivision (a), and in~~
34 ~~consultation with community college districts and other interested~~
35 ~~parties as specified in subdivision (c), the board of governors shall~~
36 ~~perform the following functions:~~

37 ~~(1) Exercise general supervision over, and coordinate, the local~~
38 ~~community college districts, including the provision of assistance~~
39 ~~when community college districts encounter severe management~~
40 ~~difficulties.~~

1 ~~(2) Provide leadership and direction through research and~~
2 ~~planning.~~

3 ~~(3) Establish minimum conditions and standards for all~~
4 ~~districts to receive state support and to function within the system,~~
5 ~~including standards for the formation of new community college~~
6 ~~districts and the reorganization of existing community college~~
7 ~~districts.~~

8 ~~(4) Establish specific accountability measures, and ensure~~
9 ~~evaluation of district performance based on those measures.~~

10 ~~(5) Review and approve programs of instruction that lead to~~
11 ~~certificates, degrees, or transfer eligibility.~~

12 ~~(6) Administer state operational and capital outlay support~~
13 ~~programs.~~

14 ~~(7) Adopt a proposed system budget and allocation process.~~
15 ~~The proposed budget shall include the student fee level deemed to~~
16 ~~be necessary by the board of governors.~~

17 ~~(8) Ensure systemwide transfer and articulation with other~~
18 ~~segments of education.~~

19 ~~(9) Represent the districts before state and national legislative~~
20 ~~and executive agencies.~~

21 ~~(c) Subject to, and in furtherance of, subdivision (a), the board~~
22 ~~of governors shall have full authority to adopt rules and regulations~~
23 ~~necessary and proper to execute the functions specified in this~~
24 ~~section as well as other functions that the board of governors is~~
25 ~~expressly authorized by statute to regulate.~~

26 ~~(d) Wherever in this section or any other statute a power is~~
27 ~~vested in the board of governors, the board of governors, by a~~
28 ~~majority vote, may adopt a rule delegating that power to the~~
29 ~~chancellor, or any officer, employee, or committee of the~~
30 ~~California Community Colleges, or community college district, as~~
31 ~~the board of governors may designate. However, the board of~~
32 ~~governors shall not delegate any power that is expressly made~~
33 ~~nondelegable by statute. Any rule delegating authority shall~~
34 ~~prescribe the limits of delegation.~~

35 ~~(e) In performing the functions specified in this section, the~~
36 ~~board of governors shall establish and carry out a process for~~
37 ~~consultation with institutional representatives of community~~
38 ~~college districts so as to ensure their participation in the~~
39 ~~development and review of policy proposals. The consultation~~
40 ~~process shall also afford community college organizations, as well~~

1 ~~as interested individuals and parties, an opportunity to review and~~
2 ~~comment on proposed policy before it is adopted by the board of~~
3 ~~governors.~~

4 ~~SEC. 35.—~~

5 *SEC. 21.* Section 70901.5 of the Education Code is amended
6 to read:

7 70901.5. (a) The board of governors shall establish
8 procedures for the adoption of rules and regulations governing the
9 California Community Colleges. Among other matters, the
10 procedures shall implement the following requirements:

11 (1) Written notice of a proposed action shall be provided to
12 each community college district and to all other interested parties
13 and individuals, including the educational policy and fiscal
14 committees of the Legislature and the Department of Finance, at
15 least 45 days in advance of adoption. The regulations shall become
16 effective no earlier than 30 days after adoption.

17 (2) The proposed regulations shall be accompanied by a
18 determination of the effect of the proposed regulations with regard
19 to the costs or savings to any state agency, the cost of any
20 state-mandated local program as governed by Part 7 (commencing
21 with Section 17500) of Division 4 of Title 2 of the Government
22 Code, any other costs or savings of local agencies, and the costs or
23 savings in federal funding provided to state agencies. The board
24 of governors shall use the consultation process established
25 pursuant to subdivision (b) of Section 70901 in developing the
26 determination under this subdivision.

27 (3) The board of governors shall ensure that all proposed
28 regulations of the board meet the standards of “necessity,”
29 “authority,” “clarity,” “consistency,” “reference,” and
30 “nonduplication,” as those terms are defined in Section 11349 of
31 the Government Code. A district governing board or any other
32 interested party may challenge any proposed regulatory action
33 regarding the application of these standards.

34 (4) Prior to the adoption of regulations, the board of governors
35 shall consider and respond to all written and oral comments
36 received during the comment period.

37 (5) The effective date for a regulation shall be suspended if,
38 within 30 days after adoption by the board of governors, at least
39 ~~two-thirds of all governing boards vote, in open session, to~~ _____
40 *governing boards vote, in open session, to* disapprove the

1 regulation. With respect to any regulation so disapproved, the
2 board of governors shall provide at least 45 additional days for
3 review, comment, and hearing, including at least one hearing
4 before the board itself. After the additional period of review,
5 comment, and hearing, the board may do any of the following:

6 (A) Reject or withdraw the regulation.

7 (B) Substantially amend the regulation to address the concerns
8 raised during the additional review period, and then adopt the
9 revised regulation. The regulation shall be treated as a newly
10 adopted regulation, and shall go into effect in accordance with
11 those procedures.

12 (C) Readopt the regulation as originally adopted, or with those
13 nonsubstantive, technical amendments deemed necessary to
14 clarify the intent of the original regulation. If the board of
15 governors decides to readopt a regulation, with or without
16 technical amendments, it shall also adopt a written declaration and
17 determination regarding the specific state interests it has found
18 necessary to protect by means of the specific language or
19 requirements of the regulation. A readopted regulation may then
20 be challenged pursuant to existing law in a court of competent
21 jurisdiction, and shall not be subject to any further appeal within
22 the California Community Colleges.

23 (6) (A) It is the intent of the Legislature to appropriate in the
24 annual Budget Act funds for the purpose of offsetting net
25 cumulative costs of regulations adopted by the board pursuant to
26 this division. The board of governors may consider the net
27 cumulative costs or savings to local districts of regulations
28 proposed in a fiscal year.

29 (B) As to any regulation that the board of governors determines
30 would create a state-mandated local program cost, the board of
31 governors shall not adopt the regulation until the Department of
32 Finance has certified to the board of governors and to the
33 Legislature that a source of funds is available to reimburse that
34 cost.

35 (7) (A) The Legislature finds and declares that, pursuant to
36 Section 6 of Article XIII B of the California Constitution, a
37 subvention of funds need not be provided for either of the
38 following mandates:

39 (i) Mandates requested by the affected local agency.

(ii) Mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.

(B) Notwithstanding Chapter 4 (commencing with Section 17550) of Part 7 of Division 4 of the Government Code, the action of the board of governors regarding regulations adopted pursuant to this section or pursuant to these exceptions shall be determinative with respect to the requirements of Section 6 of Article XIII B of the Constitution, and shall not be subject to review by the Commission on State Mandates. In exercising this responsibility, the board of governors shall make its determinations in accordance with Section 17556 of the Government Code and in a manner consistent with the rules, standards, and precedential decisions of the Commission on State Mandates.

(8) Any district or other interested party may propose a new regulation or challenge any existing regulation.

(b) Except as expressly provided by this section, and except as provided by resolution of the board of governors, the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to regulations adopted by the board of governors.

~~SEC. 36. Section 70902 of the Education Code is amended to read:~~

~~70902. (a) (1) Every community college district shall be under the control of a board of trustees, which is referred to herein as the "governing board." The governing board of each community college district shall establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established.~~

~~(2) The governing board of each community college district shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district.~~

~~(b) In furtherance of the provisions of subdivision (a), the governing board of each community college district shall do all of the following:~~

~~(1) Establish, maintain, and oversee each college of the district.~~

~~(2) Ensure that the district meets the minimum conditions and standards established by the board of governors.~~

~~(3) Establish policies for local academic, operations, and facilities planning and management to ensure that the statutory mission is accomplished within the conditions and standards established by the board of governors.~~

~~(4) Adopt local district budgets, including the establishment of student fees as set by the board of governors and authorized by existing law.~~

~~(5) Oversee the procurement and management of the real property of the district.~~

~~(6) Establish policies governing student conduct.~~

~~(7) Establish policies to guide new course development, course revision or deletion, and curricular quality.~~

~~(8) Determine the need for elections for tax levies and bond measures, and request that those elections be called.~~

~~(9) Employ and assign all personnel consistent with the minimum standards adopted by the board of governors, and establish employment practices, salaries, and benefits for all employees consistent with the requirements of state law.~~

~~(c) In carrying out the powers and duties specified in subdivision (b) or other provisions of statute, the governing board of each community college district shall have full authority to adopt rules and regulations, not inconsistent with the regulations of the board of governors and the laws of this state, that are necessary and proper to executing these prescribed functions.~~

~~(d) Wherever in this section or any other statute a power is vested in the governing board, the governing board of a community college district, by majority vote, may adopt a rule delegating the power to the district's chief executive officer or any other employee or committee as the governing board may designate; provided, however, that the governing board shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.~~

~~SEC. 37.—~~

1 SEC. 22. Section 71000 of the Education Code is amended to
2 read:

3 71000. (a) There is in the state government a Board of
4 Governors of the California Community Colleges, consisting of
5 20 voting members and one nonvoting member.

6 (b) Sixteen of the voting members, and the nonvoting member,
7 shall each be appointed by the Governor, as follows:

8 (1) Thirteen members, each appointed with the advice and
9 consent of two-thirds of the membership of the Senate to six-year
10 staggered terms. Two of these members shall be current or former
11 elected members of local community college district governing
12 boards.

13 (2) (A) (i) One voting student member, and one nonvoting
14 student member, who exercise their duties in accordance with the
15 procedure set forth in subparagraph (C).

16 (ii) These students shall be enrolled in a community college
17 with a minimum of five semester units, or its equivalent, at the time
18 of the appointment and throughout the period of their terms, or
19 until a replacement has been named. A student member shall be
20 enrolled in a community college at least one semester prior to his
21 or her appointment, and shall meet and maintain the minimum
22 standards of scholarship prescribed for community college
23 students.

24 (iii) Each student member shall be appointed from a list of
25 names of at least three persons submitted to the Governor by the
26 California Student Association of Community Colleges.

27 (B) The term of office of one student member of the board shall
28 commence on July 1 of an even-numbered year and expire on June
29 30 two years thereafter. The term of office of the other student
30 member of the board shall commence on July 1 of an
31 odd-numbered year and expire on June 30 two years thereafter.
32 Notwithstanding subparagraph (A), a student member who
33 graduates from his or her college on or after January 1 of the
34 second year of his or her term of office may serve the remainder
35 of the term.

36 (C) During the first year of a student member's term, a student
37 member shall be a member of the board and may attend all
38 meetings of the board and its committees. At these meetings, a
39 student member may fully participate in discussion and debate, but
40 may not vote. During the second year of a student member's term,

1 a student member may exercise the same right to attend meetings
2 of the board, and its committees, and shall have the same right to
3 vote as the members appointed pursuant to paragraphs (1) and (3).

4 (D) Notwithstanding subparagraph (C), if a student member
5 resigns from office or a vacancy is otherwise created in that office
6 during the second year of a student member's term, the remaining
7 student member shall immediately assume the office created by
8 the vacancy and all of the participation privileges of the
9 second-year student member, including the right to vote, for the
10 remainder of that term of office.

11 (3) Two tenured faculty members from a community college,
12 who shall be appointed for two-year terms. The Governor shall
13 appoint each faculty member from a list of names of at least three
14 persons furnished by the Academic Senate of the California
15 Community Colleges. Each seat designated as a tenured faculty
16 member seat shall be filled by a tenured faculty member from a
17 community college pursuant to this section and Section 71003.

18 (c) The Governor, the Lieutenant Governor, and the
19 Superintendent of Public Instruction shall each serve, ex officio,
20 as voting members of the board of governors.

21 ~~SEC. 38.—~~

22 *SEC. 23.* Section 71090 of the Education Code is amended to
23 read:

24 71090. (a) The board shall appoint, and fix the compensation
25 of, a chief executive officer, to be known as the Chancellor of the
26 California Community Colleges, and up to six deputy and vice
27 chancellors.

28 (b) The chancellor shall execute the duties and responsibilities
29 as may be delegated to him or her by the board. Whenever in this
30 code a power is vested in the board, the board, by a majority vote,
31 may adopt a rule delegating that power to the chancellor or any
32 officer, employee, or committee as the board may designate. The
33 rule shall prescribe the limits of the delegation.

34 ~~SEC. 39.—~~

35 *SEC. 24.* Section 71090.5 of the Education Code is repealed.

36 ~~SEC. 40.—~~

37 *SEC. 25.* Section 71092 of the Education Code is amended to
38 read:

39 71092. (a) (1) It is the intent of the Legislature to
40 compensate the employees of the Board of Governors of the

1 California Community Colleges at a level comparable to the total
2 compensation paid to community college district employees who
3 perform similar functions.

4 (2) In a manner consistent with the intent of the Legislature
5 expressed in paragraph (1), the board of governors shall employ
6 and fix the compensation, in accordance with law, of assistants,
7 clerical, and other employees, including the managerial and
8 professional employees that it appoints, as it deems necessary for
9 the effective conduct of the work of the board and the chancellor's
10 office.

11 (3) In accordance with Section 19825 of the Government Code,
12 the Legislature specifically provides that the approval of the
13 Department of Personnel Administration is not required for the
14 implementation of this subdivision.

15 (4) Pursuant to Section 19818.14 of the Government Code, the
16 Department of Personnel Administration shall designate the board
17 of governors to allocate positions to the Personnel Classification
18 Plan in accordance with Section 19818.6 of the Government Code.

19 (b) Notwithstanding Section 19849.5 of the Government Code,
20 the board of governors shall designate the headquarters for each of
21 its employees, except as provided in Section 71004.

22 ~~SEC. 41.—~~

23 *SEC. 26.* Section 87482.4 of the Education Code is amended
24 to read:

25 87482.4. The Legislature finds and declares that, in the state's
26 community college system, teaching constitutes a greater share of
27 the faculty workload, as compared to the California State
28 University or the University of California systems. California's
29 community college system requires that a faculty member hold, as
30 a basic qualification, a master's degree. Furthermore, the
31 community college system uses a different professional review
32 process, as compared to the California State University or the
33 University of California systems.

34 ~~SEC. 42.—~~

35 *SEC. 27.* Section 99181 of the Education Code is repealed.

36 ~~SEC. 43.—~~

37 *SEC. 28.* Section 99182 of the Education Code is repealed.